

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

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**FILE:** B-218188.2 **DATE:** June 27, 1985  
**MATTER OF:** Lear Siegler, Inc.--Reconsideration  
**DIGEST:**

GAO will not reconsider a prior decision rendered in response to an expression of interest from a court unless the court expresses an interest in the reconsideration of the decision.

Lear Siegler, Inc., requests reconsideration of our decision in Lear Siegler, Inc., B-218188, Apr. 8, 1985, 64 Comp. Gen.       , 85-1 CPD ¶ 403. That decision was rendered in response to an expression of interest from the United States District Court for the Central District of California in connection with Civil Action No. 85-1125.

It has been our policy not to decide matters, including requests for reconsideration, where the material issues are before a court of competent jurisdiction unless the court expresses an interest in the matter. See Urban Masonry Corp.--Reconsideration, B-213196.2, Feb. 2, 1984, 84-1 CPD ¶ 141. In the present case, we are unaware of any expression of interest by the court in our reconsideration of the prior decision.


Lear argues that the points of law raised in its reconsideration request to our Office are to be presented to the court in connection with motions and cross-motions for summary judgment. Lear further argues that our Bid Protest Regulations do not require dismissal of a reconsideration request if the matter is before a court and maintains that the Competition in Contracting Act of 1984 (CICA), Pub. L. No. 98-369, § 2741(a), 98 Stat. 1175, 1199, contemplates parallel judicial and administrative remedies.

However, several weeks now have elapsed since a judicial hearing was held in connection with the summary judgment motions, and we still have not been requested by the court to reconsider our prior decision. Further, as reflected in our regulations, 4 C.F.R. § 21.9(a) (1985), our policy of not considering protests where the issues

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presented are before a court of competent jurisdiction, and there has been no expression of interest for our opinion from the court, has remained unchanged under CICA. See C & M Glass Co., B-218227, Apr. 15, 1985, 85-1 CPD ¶ 430; Grafton McClintock, Inc.; BGM Corp., B-218549, Apr. 18, 1985, 85-1 CPD ¶ 448. The reason for this policy is that the court's determination on the merits will constitute a final adjudication and take precedence over a decision by our Office. See Pitney Bowes, Inc., B-218241, June 18, 1985, 85-1 CPD ¶ \_\_\_\_\_. Similarly, we see nothing in CICA requiring our Office to change its policy against considering requests for reconsideration in the absence of an expression of interest from the court to which our opinion was furnished.

Accordingly, we dismiss Lear's request for reconsideration.

  
Harry R. Van Cleve  
General Counsel